

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

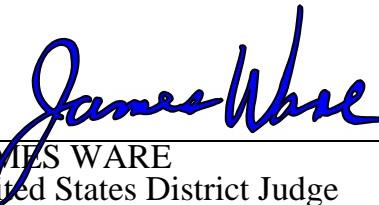
JAMES MYRON, ) No. C 99-21265-JW (PR)  
vs. Plaintiff, ) ORDER DISMISSING UNSERVED  
CAL TERHUNE, et al., ) DEFENDANTS UNDER FEDERAL  
Defendants. ) RULE OF CIVIL PROCEDURE 4(m)  
\_\_\_\_\_  
) (Docket Nos. 187 & 191)

Plaintiff filed the above titled civil rights complaint in pro se under 42 U.S.C. § 1983. To date, defendants Alfonso K. Fillion, P. Hamilton, J. Basso, P. Mandeville, and S. Shipman have not been served. Plaintiff provided current addresses for P. Mandeville and P. Hamilton who are in the process of being served. However, defendants Alfonso K. Fillion, J. Basso, and S. Shipman have not been served. Plaintiff's complaint has been pending for well over 120 days and there is an absence of "good cause" for the failure to serve. See Fed. R. Civ. P. 4(m). Accordingly, defendants Fillion, Basso and Shipman are DISMISSED without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure.

The clerk of the Court shall terminate R. Peralez, B. White, John H. Burke, C.

1 Picerking, Duck, Rita Clayton, J. Thompson, Smith, C. Moreno, Tann, V. Barron,  
2 Rings, Hill, Davis, Kilpatrick, E. Donnelly, Puig, Dr. Davis, M.S. Madison, Dr.  
3 Kuenzi, Dr. Parkinson, and Dr. Wittenberg from the docket as they are not parties to  
4 this action.

5 DATED: January 26, 2009

6   
7 JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAMES MYRON,

Case Number: CV99-21265 JW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CAL TERHUNE, et al.,

Defendants.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/12/2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Myron K-80153  
CSP-Ironwood  
Ironwood State Prison  
P O Box 2199  
Blythe, CA 92226-2199

Dated: 2/12/2009

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk